COMMERCE COMMISSION DOESN'T

PLAN A SWEEPING INQUIRY.

Mr. Morgan's Conference With Roosevell

Has a Reassuring Effect—The President

Wishes to Allay Uneasiness-Harriman

Mayn't Be Forced to Answer Questions.

WASHINGTON, March 12.-It is learned

in the recess of Congress into the financial

There is every reason to believe that

the Administration and the commission

appreciate the danger to business in-

terests that might come from a wholesale

investigation that would accomplish little

of value and would probably do much

As an evidence of the conservative spirit

which prevails in the commission it was

pointed out to-night that there was only

one order for an inquiry on the books of

the commission. This concerns the Great

Northern and the Northern Pacific, against

which complaint has been made that these

two roads are violating the order of the

United States Supreme Court for a dis-

solution of the Northern Securities Com-

pany, the concern which embodied the

merger of the Great Northern and Northern

Nothing whatever has been done by the

commission with reference to the refusal

of E. H Harriman to answer certain ques-

tions. When the commission returned to

in New York it was intimated that an ap-

plication would be made to the United

New York to issue an order requiring Mr.

The commission, however, has done

nothing and if it takes up the matter at all

it will not be until after there has been an

official determination by the commission

whether the Southern Pacific and the Union

Pacific are competing lines. On April 4

the commission will hear argument by

representatives of these railroads on the

question of whether the two systems are

competitors. The matter of c.mpelling

Mr. Harriman to answer will not be con-

sidered, if at all, until the question of compe-

A member of the Interstate Commerce

The Government has no intention of en-

forcing the interstate commerce act in a

tion and stock manipulation. Railroad

their business depends upon a ready and

willing compliance with the law. They

can ill afford in these piping times to scoff

and jeer at the law and those who are

Roosevelt last night has apparently already

had a good effect. While there is no official

to take any definite step to "allay public

same influence as if the President had him-

It was said at the White House to-day

that Mr. Morgan's statement was authorized.

Presidents McCrea of the Pennsylvania,

Newman of the New York Central, Hughitt

of the Chicago and Northwestern and Mellen

Mr. Roosevelt, it is expected, will authorize

a statement in regard to what takes place

at the conference, and what he will have to

day for the conference has not been set,

President Roosevelt is aware of the un-

easiness that exists and the prevailing opin-

ion here is that he will not countenance any

invitation that will injure the country at

by New Immigration Law.

WASHINGTON, March 12,-A long con-

ference was held at the White House to-night

in regard to the obstacles which the new

immigration law has placed in the way

of Southern States in their desire to secure

In addition to President Roosevelt there

were present Secretary Straus of the Depart-

ment of Commerce and Labor, ex-Gov.

in conditions in the South, and said that he

would do all he could to aid in the move-ment to secure European labor that is so urg-

The Southern men at the conference de

ently needed in many industries in that se

OCEANIC S. S. CO. TROUBLES.

ure Causes Withdrawal of Vessels.

for their section.

desirable white immigrants from Europe.

but it will probably take place very soon

nature.

charged with the duty of enforcing it."

men are now realizing that the solveney of

Harriman to answer.

tition has been determined.

Commission said to-night:

operations of railways.

harm.

OVER 100 DEAD ON THE JENA

Frightful Scenes When French Battleship's Magazines Blew Up.

VESSEL A TOTAL WRECK.

Water Turned Into Dry Dock to Stop Devastating Explosions.

Brave Men Face Storm of Projectiles to Open Floodgates -- Many of the Dead Smothered by Fumes From Deadly Expicelyes in Shell and Cartridges -Some Dismembered-People Ashore Struck by Ghastly Missiles-Great Damage in the Naval Buildings -Maddened Crowd Besieges Dock Yard Reviling the Government-Many Conflicting Tales as to the Cause of the Disaster.

Special Cable Despatches to THE SUN. PARIS, March 12.-To the terrible series

of disasters suffered by the French fleet by the loss of the Sully, Jean Bart, Lutin and Farfadet was added to-day the loss of the battleship Jena, which Admiral Bienaimé called one of the few units fulfilling the conditions of modern naval war.

She is now a mass of shapeless ruins enclosing mutilated corpses. Twenty-one officers and 685 men were on board when the catastrophe happened. At 7 o'clock this evening 369 men answered to the roll call and about fifty were in the hospitals.

The latest reports from Toulon place the number of killed at one hundred and the injured at 150. The Ministry of Marine declines to give the numbers, but says they are less than the newspapers state.

At exactly 1:30 a terrible explosion shook the air. Every one in Toulon believed that an earthquake had occurred and rushed outdoors. In a few moments there was another explosion, even more terrible than the first, and then a third

At the same time thick clouds of smoke arose from the port. A crowd poured like a torrent toward the arsenal and the port, but the gate was kept closed and little could be seen but whirlwinds of smoke which hid the Missiessy Dock, while detonation after detonation followed.

After a long wait a few human beings were seen being led forth. The work of searching for the dead and wounded was carried on by tremendous efforts, for the explosion wrecked not only the Jena, but according to some of the stories three arsenals and workshops, also. The corpses found were horribly disfigured and terribly

It is impossible to learn from the survivors how the explosion was caused. Some say that the torpedo men were manipulating a torpedo, which, under some shock exploded. The violence was so great that two 305 millimetres shells in the explosives magazine collided and exploded, starting the fire.

The gases so produced being compressed in the magazine caused the other explosions. The explosives were hurled immense distances over the town and suburbs Many people were injured by the flying débris. One baby was killed by a shell. A sailor who escaped said that when the

first explosion occurred it was thought by some that the Jena had slipped off the blocks and fallen against the dock wall, but the men on deck raised the cry for everybody to save himself.

At the same moment the second explosion came. There arose a cry of anguish and men threw themselves in every direction. Some jumped overboard and dashed themselves to pieces on the bottom of the dock. Some were hurled against the walls of buildings.

By 5 o'clock the fire was almost mastered. but it was some hours before any search of the wreck was possible. The theory of spontaneous combustion

is generally held, as the black powder with which the shells were charged is subject to alterations. The shells were often examined for this reason.

The Jena had been put in the dock for painting and to have her machinery over-Fortunately no men were working utside of her, it being lunch time. Those who fell into the dry dock, if they escaped crushing out their brains, must have been suffocated by the gases.

When the first explosion occurred the Maritime Prefect called for six men to open the valves of the dock behind the Jena

The men volunteered for the work. Ensign Rousse first tried, and a shell decapitated him. Another man immediately

took his place amid a hail of projectiles All who took part in the work were injured but the others not seriously. The first attempts to let the water into

the dock were unsuccessful. It is reported that the necessary keys could not be found. The warship La Patrie fired a shot at the dock gate to make a breach. The shot struck the gate and then skipped along the arsenal wall, passing close to a sentry before burying itself. Toulon has become a city of mourning.

The shops are closed and to-night the theatres gave no performances. Mayor has proclaimed a period of general mourning. This evening he visited the parents of a baby that was killed. The nfant was 800 metres from the Jena when it was hit.

Commandant Adigard was in the cabin of the Jena when the explosion occurred. He had ordered a boat to go ashore in, but his cabin was reduced to fragments. About fifty were seriously injured. The

Continued on Third Page

Gold & Black Label Sherries, bottled in Spain Feldmann Importing Co., New York.—Ads.

NEW FILE INSURANCE POLICY. Bill at Albany Provides for One

Shorter and Stipler

ALBANY, March 12.-Senator Tully and Assemblyman Wells introduced a bill today providing for a new form of fire insurance policy, as the result of a widespread demand for the simplification of the present form. The original work of revising the policies was undertaken by Henry Evans, president of the Continental Fire Insurance Company; and the legal work has been done by David Rumsey.

The form of policy as presented to the Legislature is the product of the combined efforts of insurance authorities in all parts of the country. The new policy is onethird shorter than the present standard form; it has marginal headings and distinet classifications which will prove a great convenience to policyholders.

Perhaps the most important changes are the omission of the "fallen building" clause, under which many companies evaded payment of the San Francisco fire osses, and the addition of a clause requiring the insurance companies to refund excessive premiums where it appears that the property has been insured for more than its value. The new form removes the restrictions as to the use of petroleum and kerosene and deprives the company of the power to make a technical defence by striking out the requirement that the policyholder must secure a Magistrate's certificate of loss.

Another section in favor of the public and against the company is the removal of the clause by which the beginning of foreclosure proceedings or notice of judicial sale terminated the insurance.

\$40,000,000 SUGAR TRUST SUIT. Real Estate Trust Co. Now Asks Punitive

Damages Because of Segal Mixup. PHILADELPHIA, March 12.-Former District Attorney John C. Bell to-day prepared the papers in a \$40,000,000 suit against the American Sugar Refining Company to be brought on behalf of the Real Estate Trust

The suit will be filed in this city in a few days. It is a fellow suit to that filed in New York last Friday on behalf of the Pennsylvania Sugar Refining Company, which alleges that it was crushed by the trust.

Adolph Segal was the promoter of the Pennsylvania Sugar Refining Cmpany, which was designed to rival the American Sugar Refining Company. Once before he had started a similar plant and before it turned a wheel sold it to the sugar trust for \$1,000,000. This time, it is charged, the trust determined to break Segal rather than buy him out, and, going further, to break his backer, Frank K. Hipple, president of the Real Estate Trust Company, who committed suicide as a result of the failure of the concern. Hipple had advanced thousands of dollars to Segal's Pennsylvania Sugar Refinery, dipping into the bank's funds to get it.

Incidentally the Real Estate Trust Company was broken and Hipple took his life. It was declared to-night that the \$40,-000,000 suit for damages is only the beginning of a crusade against the sugar company and criminal proceedings under the Sherman anti-trust law.

BALKAN TROUBLE FEARED. Murder of Petkof Political-Prince Ferdinand Hastens Home.

Special Cable Despatches to THE SUN Soria, March 12.-Petroff, who assassinated M. Petkof, the Premier of Bulgaria, yesterday, declares to-day that he committed the

act to free Bulgaria. VIENNA, March 12 .- Prince Ferdinand of Bulgaria, who intended to go from Paris to Biarritz to visit King Edward, abandoned his plan as soon as he learned of M. Petkof's murder and started at once for home. He arrived here this evening and started for

Sofia on a special train. Messages from Sofia received here persist in declaring that the assassination was political and that there were at least four conspirators besides Petroff. Two of these have been arrested. One of the prisoners is Editor Iknoff of the Balkan Tribune. In political quarters here it is feared that the incident is indicative of coming trouble

in Bulgaria and consequently throughout the Balkans. The situation to-night is regarded as extremely problematical.

His Health Poor - Latent Discord Since His Father Died. Special Cable Despatch to THE SUN

MR. SPURGEON RESIGNS.

LONDON, March 12 .- The Rev. Thomas Spurgeon, pastor of the Metropolitan Tabernacle, has tendered his resignation. partly owing to ill health, which interferes with his coping with the difficulties of his busy charge. The deacons oppose the resignation and suggest that he take a long holiday. The question will be submitted to a meeting of the members of the church in April, when a poll will be taken.

Although his pastorate has not been marred by any active disagreement, there has long existed an element of discord, due to the overruling of the preference of those members who wished the Rev Mr. Pierson to succeed the Rev. Charles H. Spurgeon, father of the present incumbent, who died in 1892. Mr. Pierson

s now in London. It is understood that if the resignation accepted Mr. Spurgeon will take a rest and then accept the pastorate of a smaller church which has been offered to him.

HAVILAND TAKEN TO JAIL.

Alleged Stock Swindler Barely Misses

Rough Usage at Scranton. SCRANTON, Pa., March 12, -James T. Haviland, who is alleged to have swindled 200 Scrantonians out of \$23,000, was this afternoon taken from his room in the Hotel Jermyn and locked up in default of \$1,000

Previous to his commitment, had it been for the vigilance of his guards, H land would have been roughly handled. Upon receiving a request for more time York trying to get enough money to make good the losses, it was decided to take the prisoner to the country jail.

WILL HAVE SEPARATE TRIALS. State Electa Not to Prosecute Moyer, Hay-

wood and Pettibone Jointly. Bozse, Idaho, March 12.-It was decided to-day by the attorneys for the prosecution in the Moyer-Haywood-Pettibone cases to try the defendants separately. It has not yet been determined which of the prisnot yet been determined which of the pris-oners will be tried first, but it will be either Haywood or Pettibone. It is predicted here that unless the State succeeds in con-victing Haywood and Pettibone the case against Moyer will be dropped.

Easy, youthful and comfortable. The toric eye

MRS. SAGE GIVES \$10,000,000

TO FOUND A TRUST FOR GENERAL CHARITARLE WORK

To Be Known as the Sage Foundation and Be National in Scope -Social Conditions to Be Studied and Remedied-R. W. de Forest and Helen Gould Trustees.

ALBANY, March 12.-Mrs. Russell Sage has set aside \$10,000,000 to be known as the Sage Foundation, which is incorporated in a bill introduced by Senator George B. Agnew and Assemblyman Ezra Prentice. The trustees of the foundation are Robert W. de Forest, Cleveland H. Dodge, Daniel C. Gilman, John M. Glenn, Miss Helen Gould, Mrs. William B. Rice and Miss Louisa L. Schuyler.

Mrs. Sage, through her attorney, R. W. de Forest, makes the following statement concerning the foundation

"I have set aside \$10,000,000 for the endowment of this foundation. Its object is the improvement of social and living conditions in the United States.

"The means to that end will include esearch, publication, education, the establishment and maintenance of charitable and beneficial activities, agencies and institutions and the aid of any such activities, agencies and institutions already

"It will be within the scope of such a foundation to investigate and study the causes of adverse social conditions, including, ignorance, poverty and vice, to suggest how these conditions can be remedied or ameliorated, and to put in operation any appropriate means to that

"It will also be within the scope of such foundation to establish any new agency necessary to carry out any of its conclusions and equally to contribute to the resources of any existing agencies which are doing efficient and satisfactory work, just as the present general education fund, organized to promote higher education, is

aiding existing colleges and universities. "While its scope is broad it should, preferably, not undertake to do within that scope what is now being done or is likely to be effectively done by other individuals or by other agencies with less resources. It will be its aim to take up the larger and more difficult problems, and to take them up, so far as possible, in such a manner as to secure cooperation and aid in their solution. In some instances it may wisely initiate movements with the expectation of having them maintain themselves unaided after once being started. In other instances it may start movements with the expectation of carrying them on itself. Income only will be used for its charitable purposes because the foundation is to be permanent and its action continuous. It may, however, make investments for social betterment which them-

selves produce income. While having its headquarters in New York city, where Mr. Sage and I have lived and where social problems are most pressing partly by extent and partly because it is the port of entry for about a million immigrants a year, the foundation will be national in its scope and in its activities.

"I have sought to select as my trustees men and women who are familiar with social problems and who can bring to their solution not only zeal and interest but experience and judgment "

Robert W. de Forest was chairman of the New York State Tenement House Commission of 1900, appointed by Gov. Roosevelt, and later became first Tenement House Commissioner of the city of New York. He has been president of the New York Charity Organization Society for nearly twenty years. He was president of the National Conference of Charities which met at Atlanta in 1903, and filled the same office in the national conference which met at Philadelphia last year. He was chairman of the Mayor's committee for California relief last spring. He is a trustee of the Presbyterian Hospital and other New York

charitable institutions. Cleveland H. Dodge is chairman of the executive committee of the Red Cross Society in New York, an officer of the International Young Men's Christian Association, and inherits many other public trusts from his father, the late William E. Dodge.

Daniel C. Gilman has an international reputation as an educator and a philanthropist. He has been successively pro fessor at Yale, president of the University of California, president of Johns Hopkins University at Baltimore and first president of the Carnegie Institute. He is a trustee of the General Education Fund, and was for many years president of the Baltimore Charity Organization Society.

John M. Glenn has been prominent for many years in all national conferences of charities. He was president of the Washington meeting of 1901. He is a manager of many charitable institutions in his native city of Baltimore, and for the last few years has been head of its Department of Public Charities. He is a man of means and social position who has made charitable

work his profession.

Miss Helen Gould is well known for her own benefactions. She has been a lifelong

own benefactions. Stage.

Mrs. William B. Rice has been for many years the president of the State Charities Aid Association of New York.

Miss Louisa L. Schuyler, like Mrs. Rice, is one of the officers of the New York State. Charities Aid Association, of which she is the founder. She was prominently iden-tified with the Sanitary Commission of the

BULLET IN HIS HEAD.

Body Found Cut in Two by Train Near Mount Kisco.

MOUNT KISCO, March 12 .- The body of Henry Buckley, a young butcher of this place, was cut in two between here and Chappaqua by a passenger train on the Harlem division of the New York Central due here at 10:35 this morning. A bullet hole was found in his head. Coroner Squire of Ossining says that Buckley was undoubtedly murdered and his body left on

Buckley spent yesterday in New York. At 8 o'clock this morning he got off a train at Chappaqua and is supposed later to have started for Mount Kisco on foot. The engineer of the train that hit the body saw t too late. Buckley's gold watch was found on the track 100 feet away.

Buckley was brought up here and had no enemies so far as is known.

Take peep at Drs. Flint & Macdonald in Chanler's book, on sale Putnam's. Its index shows you what's what.—Adv.

ICICLE SMASHES TROLLEY CAR. NO RAID ON THE RAILROADS. Killing Conductor and Injuring Five Others -Accident in Niagara Gorge

NIAGARA FALLS, N. Y., March 12 .- An immense icicle broke from the Nigara cliff early this morning and when it struck the slope of the bank it became an avalanche of ice and rushed with great force down upon a belt line car on the Niagara gorge road.

Conductor Joseph Benzer was killed by a piece of ice. Motorman Hyatt was injured, B. S. Lindsey of Pittsburg had one from an authoritative source that the arm dislocated, while Mrs. Lindsey suffered Government and the Interstate Commerce from shock, as did also Dr. and Mrs. Norvri Commission do not contemplate what was of Sioux City, Ia. On January 29 high water washed away described as "a general raid" on the rail-

a portion of the gorge road tracks, and the car was just leaving the single track section to enter the double track. Conductor and motorman were throwing the ice clogged switch when the ice fell. The car was badly damaged.

The injured passengers were brought to this city, where they received medical attention. All left for home to-night. The accident occurred at the Whirlpool Rapids right below the steel arch railroad

FIRST NEGRO RHODES SCHOLAR. He is a Harvard Senior and His Home is in Philadelphia.

bridge.

PHILADELPHIA, March 12.-The Rhodes scholarship for the State of Pennsylvania has this year been awarded to a colored man. He is Alain LeRoy Locke, 712 South Twelfth street, this city, a senior at Harvard

University. In the will of the late Cecil Rhodes it is provided that color or religion shall make no difference in the selection of the candidate, and Locke was chosen on his merits. There were five who passed the examinations which were held at Lafayette College on January 17 and 18, and of these Locke was deemed the best fitted to receive the award.

Locke will be the first negro to get one of the American Rhodes scholarships.

"I intend to devote myself to study while in England," Locke said at his home this morning, "and on my return to this country I will devote myself to the bettering of the condition and general education of my race.

NURSE DEAD, ARREST EXPECTED. Criminal Operation Said to Have Been Done

by New York Hospital Physician. Boston, March 12.-Susie Green, a young woman who was recently employed as nurse in a New York hospital, died in a hospital here to-night from the effects of a criminal operation performed upon her by a physician in the hospital to which she was attached. The young woman made an ante-mortem statement to Chief of Police Watts, as the result of which he says an arrest will be made in New York as soon as the particulars can be sent to the police

It was learned to-night that the young woman was ill in the hospital in New York for some time after the operation, and that when she thought she was well enough she started for her home near here. She was taken ill on the way. She arrived here several days before March 4.

GRAPPLED WITH HOLDUP MAN. Hallinger Has a Lively Struggle With Crook

Who Tried to Get His Money. When George Hollinger, manager of the apartment house in which he lives at 123 Wadsworth avenue, got home at 11 o'clock last night he was tackled in the vestibule by a stranger. Hollinger was hit on the jaw; they grappled, the stranger got his fingers to Hollinger's throat and pulled \$20 in bills from Hollinger's pockets, and then they

landed on the sidewalk interlocked. Neighbors called up the 15?d street police station, reporting a disgracoful street fight. Meanwhile Policeman Doran spotted the fuss from a block away and charged down on it. The stranger broke and ran. Doran hurled his nightstick after him. It landed on the stranger's leg and lamed him so that taking him around to the station house was easy. Hollinger, with a blackening

eye, went as complainant.

The stranger, errested on a charge of assault and highway robbery, said he was Daniel Sullivan, plumber, 509 West 179th street. The police say he threw a cobblestone at a man in a fight at Fort George two years ago.

J. J. HILL WOULD SELL OUT To the Government, but Congress Would Be Kept Busy Paying Bills.

MINNEAPOLIS, March 12. - President James J. Hill of the Great Northern today testified before the Sundberg legislative committee, which is trying to estimate the cost of railroads operating in this State. Mr. Hill said he would be glad to have the Government take his line. He said that if the Government should go into the railroad business Congress would be kept busy night and day making

Ir. Manahan asked what it would cost the Government to get the Great Northern. Mr. Hill replied that it would cost upward of \$40,000 a mile to reproduce the Great Northern, not counting terminals, docks and other property. Counting all property it would cost over \$60,000 a mile.

Mr. Hill said that the capitalization of the Great Northern is very low, an average of about \$37,000 a mile

LEG BROKEN IN AUTO SMASH Exciting Episode in Victorious New York

The challenge cup for automobiles for the New York to Boston run offered by Mr. Pullman against all comers was won by Mr. Pullman himself in a 50 horse-power Welsh car yesterday. Eight cars left here at 7 o'clock yesterday morning to plough through roads which were a sea of mud

and melting snow.

The Welsh car arrived in Boston at o'clock last night after being delayed two hours in Worcester by being struck by a trolley car, which threw all the occupants out and broke R. L. Dunn's leg. The other cars up to midnight had not been heard clared that the continued prosperity of the Southern States depended in a measure upon a large influx of European laborers.

TAKE SLOW TRAIN IF YOU WISH. Pennsylvania and Central Do Not Take Anti-18 Hour Petition Seriously.

SAN FRANCISCO, March 2.- The affairs CHICAGO, March 12.-Representatives of of the Oceanic Steamship Company were the New York Central and Pennsylvania shown to be in bad condition at the annual lines smiled to-day when asked about the stockholders' meeting, and its continuance effort made to bring about slower service between Chicago and New York.

They suggested there are slower trains now by which any one afraid of the eighteen in the transpacific trade is a matter of

Its three principal steamers, the Sierra, the Sonomona, and the Ventura, plying between this port and Australia, have been discontinued and the service of the Alameda to Honolulu and the Mariposa to hour schedule may travel So far as the roads are concerned, these officials said, the question was one purely Tahiti may be withdrawn. of demand and supply.

Among the causes assigned for this action is the withdrawal of the New Zealand Government's mail contract last month, HAAN'S RESTAURANT & RATHSKELLER Park Row Bldg., opp. Post Office. For ladies down town. Luncheon and dinner. Music worth \$100,000 a year to the company, and the failure of the subsidy bill in Congress. SHORTEST, QUICKEST FLORIDA ROUTE s Seaboard Air Line through Pheburst, Camden Jolumbia, Jacksonville, Office 1183 Broadway.—Ade

After all, USHER's the Scotch

DIED IN A TUNNEL AIR PUMP. Foreman Sucked in and His Lungs Sucked Flat in a Minute

Evan Collister, foreman of a gang in shaft No. 2 of the Belmont tunnel, ventured too close to the intake of a big suction pump near the tunnel entrance at Fortysecond street and the East River yesterday afternoon. The pump was pounding away at its job of keeping an air pressure of 35 pounds to the square inch on the submarine workers, and Collister, losing his balance was sucked in.

The pump was stopped for a moment and Collister was pulled out, dead. Dr. McCourt, the tunnel physician, found that all the air had been sucked from the lungs and the lungs had collapsed, admitting a rush of blood.

roads. Assurances were given to-night that the Interstate Commerce Commission Coroner Acritelli says that he will have has no intention, certainly no present inan autopsy on the body at the Morgue to-day and later an inquisition to see who is tention, of making a searching inquiry responsible. Collister lived at 505 West Forty-ninth street and was married last October.

MASCOT FROM A. G. VANDERBILT. ills Offer to Give a Successor to Pinkle Gladly Accepted by Fire Fighters.

Pinkie, the dog mascot of Engine 39 at Fire Headquarters, fell down the pole hole last week and was killed. firemen were very fond of the dog they felt his loss keenly. Foreand man Levy of the company received a letter yesterday from Alfred G. Vanderbilt saving that Mr. Vanderbilt had read of the death of Pinkie and would be glad to send the firemen of Engine 39 a Dalmatian puppy to replace Pinkie, if the firemen were willing. This puppy, Mr. Vanderbilt said, should be the best and strongest marked six-months-old dog that could be found in his kennels at Oakland farm, Newport. The firemen were greatly pleased and asked Commissioner Lantry for permission to accept the offer The Commissioner, who is himself a lover of dogs, directed that a letter be sent to Mr. Vanderbilt accepting the offer and thanking him for his thoughtfulness.

Washington after hearing Mr. Harriman FLATTERED, MR. STORK ANSWERS States Court for the Southern District of Promise of Babies in the Future to a Small Detroit Girl.

When Secretary Loughman of the Park Board opened his letters yesterday he found this addressed in a childish handwriting to "Mr Stork, Central Park, New York city": 23 PINGREE AVENUE.

DEAR MR. STORE: Please bring Frances Stevens a baby boy-a white baby. Do you bring the clothes, too? Yours truly, FRANCES STEVENS.

Detroit, Mich

P. S. I like you, Mr. Stork. Mr. Loughman answered the letter as ollows: DEAR LITTLE FRIEND: We are all out of babies at the present time. We expect a new lot soon and will not forget you. You

will have to furnish the clothes yourself. Yours very truly, Walter Loughman,

revengeful spirit. No harsh measures will be adopted. It is my belief that the present Secretary of the Park Board. uneasiness in the railroad world is a mani-JUROR REBUKES LAWYERS. festation of a condition showing that railroad men are beginning to experience a Thought There Was Too Much Fun Going On sense of responsibility to the law and the

for a Murder Trial. Juror No. 3, John G. Snyder, arose in the "The people will no longer tolerate what jury box in the Court of Oyer and Terminer. Jersey City, yesterday at the opening of the afternoon session of the trial of Giovanni Baptista Bianco for the murder of Amadeo Benevento at New Durham, on November 20, 1905, and addressing Judge John A. Blair

"May it please the Court, I have noticed that the opposing counsel have engaged in J. P. Morgan's interview with President a great deal of facetious repartee during the progress of this case. A murder trial is a very serious proceeding and I would announcement that the President is willing eliminate all witticisms at each other's anxiety" and it is not known that any will expense. be issued the impression prevails that the Assistant Prosecutor of the Pleas George statement made by Mr. Morgan following

T. Vickers, who appeared for the State, the conference will have practically the and Lawyer Alexander Simpson, counsel for the defendant, looked at each other and self made a declaration of a reassuring sel, having heard the protest of the juror, would kindly govern themselves accordingly. After the conference arranged for by Mr. Morgan between President Roosevelt and

TRIAL FOR WALSH AND HALPIN.

They Will Have to Answer for Poelroon Raided Over Their Heads. Charges will probably be preferred

of the New York, New Haven and Hartford against Inspector Walsh and Capt. Halpin of the West Sixty-eighth street station, over whose heads a poolroom in upper say will be of a reassuring character. The Broadway was raided two weeks ago by Third Deputy Commissioner Hanson. Commissioner Bingham wouldn't admit yesterday that Chief Inspector Cortright had drawn up a complaint against the two officers, but he intimated that they will likely be in the trial room within a short

CONFERENCE AT WHITE HOUSE ITALIAN AMBASSADOR MAY QUIT. Over Restrictions Placed on Southern States Prefers European Post Because His Wife

Is a Poor Sallor. Washington, March 12.-The Italian Ambassador has received word from his wife, the Baroness des Planches, that she will not come to America this spring. The Baroness has spent the winter with her mother, who has been seriously ill.

The Ambassador will sail early this spring o join his wife in Italy, and it is rumored in diplomatic circles that he will not return. Heywood of North Carolina, James Bronson It has been known for a long time that the Reynolds, special investigator, and others. Ambassador preferred a European poet The Southerners wanted the President to largely because his wife is a poor sailor construe the law in such a way as to permit and dreads crossing the ocean. He is now inducements to be made to get alien laborers the dean of the Diplomatic Corps and has been reluctant to relinquish this much The President expressed great interest desired honor.

KELSEY TO BE HEARD TO-DAY, And Has No Intention of Resigning Afterward as His Friends Urge.

ALBANY, March 12.—State Superintendent of Insurance Otto Kelsey will have a hearing to-morrow afternoon before the Senate Judiciary Committee. The attitude of Mr. Loss of Mail Contract and Subsidy Bill Fall-Kelsey is causing his friends in the Senate not a little distress of mind.

It is known that they have advised him to resign immediately after the hearing, but he has refused to entertain any such propo-

Some of the friends of Mr. Kelsey think he believes he has enough votes to prevent his removal, but they say he is making a foolish mistake in entertaining any such idea. There is a rumor going the rounds that possibly Supt. Kelsey's counsel, Edward W. Hatch of New York, may spring a surprise at the hearing by questioning the jurisdiction of the committee. The hearing is to be held in the Senate chamber. It is the intention to continue sade may extend over until Friday,

TELLS OF TALK WITH THAW

White's Brother-in-Law, Clinch Smith, is Allowed to Testify.

MET BEFORE THE SHOOTING

Jerome's New Witness Hits Hard at the Theory of the "Brainstorm."

Says He Talked With the Defendant & Stocks and Steamships and the Play, and Thaw Offered to Introduce Him to a "Buxom Brunette"-No Mention of White, but He Kept Looking at the Man Whom He Killed a Few Minutes Later-Smith Admits That He Told His Lawyer That Thaw Was Drunk -Jerome Makes a New Offer to Fix the Date of Evelyn Nesbit's Story.

District Attorney Jerome vesterday dealt. the hardest blow that he has yet administered to the "brainstorm" theory by which the defence has attempted to excuse the shooting of Stanford White by Harry K. This the District Attorney accomplished

by means of the testimony of James Clinch Smith, brother of Mrs. Stanford White, who swore that he was on the roof of Madison Square Garden the night that the shooting occurred and who told of a conversation he had there with Harry Thaw before the shooting. It seemed to be the sort of talk that a sane man of Thaw's character and history might give utterance to.

It was, in fact, a pretty successful day for the prosecution and the happenings in court still further strengthened the belief that if Mr. Jerome ever had any idea of trying to prove that Harry Thaw is insane at the present time and that therefore a commission in lunacy ought to be appointed. he has altogether abandoned that notion.

Mr. Smith's testimony was admittd. only after a battle between the District Attorney and Mr. Delmas that lasted nearly all the forenoon. When court opened counsel plunged into a long argument about the admissibility of Mr. Smith's testimony as a part of the case in chief of the prosecution. Mr. Delmas argued that to admit it would change the whole aspect of the trial and compel the defence to rearrange its entire case and that it ought not to be allowed unless the gravest reasons for it were produced.

Mr. Jerome argued that he had not known of the facts in the possession of Mr. White's suggest that the lawyers be instructed to brother-in-law until Mr. Smith came back from Europe on February 17, and that at that time the prosecution's direct case was all in and that in the interests of justice the Court should exercise the discretion vested in it by the law and allow him to reopen smiled, but Judge Blair said that the coun- his case to the extent of letting Mr. Smith

Delmas Fights Every Inch.

The upshot was that Justice FitzGerald ruled that in the interests of the fulless justice he would exercise the discretion vested in him and allow Mr. Smith to testify. That Mr. Delmas agreed with Mr. Jerome that the evidence given by the architect's brother-in-law was important was shown by the vigor with which he disputed almost every attempt the District Attorney made to get on with the examina-

Mr. Smith testified that he arrived on the roof of Madison Square Garden about an hour and a half before Thaw came in. He did not know that Mr. White was to be there, did not see him when he came in and did not in fact know that he was there until an hour or so after the shooting. He even looked at Mr. White's body after he had been killed, but did not recognize him because his face was so blackened with

powder. The witness further said that when Thew came in he saw that his party got seate and then came and talked with the witness. He had something to say about the advisability of buying steel and copper stocks about that time, saying that he did not see any reason why they should be

selling so low. Mr. Smith added that Thaw asked him where Mrs. Smith was and on being told that she was in Paris asked the witness if he cared to be introduced to a woman whom he described as a "buxom brunette," adding that if the witness would like to meet her he (Thaw) would arrange it. Mr. Smith said that he told Thaw he didn't care to meet the brunette.

Thaw's Watch From the Gallery.

Mr. Smith further testified that when Thaw left him he wandered about the roof, apparently looking for somebody, and that apparently not finding him he went up to the gallery, whence he looked down on the spectators who were sitting below. Thaw was upstairs two or three minutes, Mr. Smith said, and then came back to where his party were sitting, got them started for the door and then walked down to where, as it subsequently appeared; Stanford White was sitting. The witness the hearing until Mr. Kelsey has finished, then heard the three shots and saw Thaw arrested. He took a look of the body of